

IN RE:	PETITION FOR SPECIAL	*	BEFORE THE
	EXCEPTION AND VARIANCE.		
	Southeast side Philadelphia Road	*	ZONING COMMISSIONER
	50' from c/l Ridge Road		
	8803 Philadelphia Road	*	OF BALTIMORE COUNTY
	15th Election District		
	6 Councilmanic District	*	Case No.: 97-353-XA
	Legal Owner: Cloverland Farms	*	
	Dairy (Royal Farm Store)		
	Petitioner	*	
	* * * *	*	* * * *

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for Special Exception and Petition for Variance for the property located at 8803 Philadelphia Road. The Petitions are filed by Cloverland Farms Dairy, property owner. Special Exception relief is requested for approval of a fuel service station in combination with a food store with a sales area larger than 1500 sq. ft., pursuant to Section 405.4 E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Four variances were requested. They are: a variance from Section 405.4.A.2.A. to permit a canopy setback of 10 ft. in lieu of the 15 ft. required; from Section 405.4.A.2.A to permit a fuel pump setback of 20 ft. in lieu of the 25 ft. required; from Section 405.4.A.3.C. to permit 20 stacking spaces in lieu of the 24 spaces required; and from Section 405.4.B to waive the requirement for restrooms. The requested relief and subject property are more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance, and Petitioner's Exhibit No. 2, the schematic landscape plan.

ORDER RECEIVED FOR FILING

Date 7/25/97  
By [Signature]

RECEIVED 7/25/97

Appearing at the public hearing held for this case was John Kemp, on behalf of Cloverland Farms Dairy, Inc., property owner. Also present was Nick Brader, a professional engineer from G.W. Stephens & Associates, the preparers of the site plan and schematic landscape plan. Also present in support of the Petition was Kenneth Schmid, a Traffic Consultant. The Petitioner was represented by Robert A. Hoffman, Esquire. There were no protestants.

Mr. Kemp testified and described the site and existing business thereon. He is the Vice President of Cloverland Farms Dairy, Inc., the owner of the property and the corporate entity which operates the Royal Farm Stores chain. The subject site is .689 acres in area, zoned B.L.-A.S. The property is located on the southeastern side of Philadelphia Road approximately 50 ft. north of the centerline of Ridge Road.

Mr. Kemp described in some detail his company's recent change in marketing strategy which reflects current business conditions. He noted that many of the major oil companies are adding convenience stores and eliminating service garages at their service station locations. For example, the Exxon Corporation is converting many of its repair garages to Tiger Mart buildings and eliminating service garage repair facilities. Other oil companies are undertaking similar conversions. In order to compete, Royal Farm Stores is installing gasoline pump islands at many of its stores. This Zoning Commissioner has entertained a number of petitions in the recent years from Royal Farm Stores proposing such conversions. The goal of the marketing strategy behind these conversions is to offer the consumer one stop shopping, where a customer may purchase gasoline, food and convenience type items at one location.

W. J. Hoffman  
Esquire

In line with this strategy, the Petitioner is proposing conversion of the subject site in accordance with Petitioner's Revised Exhibit No. 1, and landscape plan, Revised Petitioner's Exhibit No. 2. Under the revised plans, the existing building will be removed and the proposed building will be located to the rear (southeast corner) of the lot. Pump islands will be installed to dispense gasoline in the front of the site. The parking lot will be reconfigured and updated as will the means of access/egress to and from the site from Philadelphia Road. Additionally, substantial landscaping will be undertaken to upgrade the property.

Mr. Brader testified and described the site in significant detail. He described the uniqueness of the site, based upon its configuration and present use. In his judgment, conversion of the site as proposed represents a major upgrade to the property and will actually be an improvement to both the lot and community.

Comments from the Office of Planning requiring the development to be of a high quality were discussed. Petitioner explained that the revisions to the site plan to remove the existing building and replace it with a building located towards the rear of the property responds to this comment and eliminates the need for the canopy and fuel pump setback variances. Further, the revisions propose high quality building materials of brick and glass, in accordance with Petitioner's Revised Exhibit No. 2.

Kenneth Schmid, a Traffic Consultant, also testified. He emphasized that the business is not a "destination stop," as that term is used in the parlance of traffic engineers. Rather, the business, both existing and proposed, caters more to the impulse buyer, who, on his/her way to work or other destinations, stops to purchase convenient items and/or gasoline. Mr. Schmid also

2. whether a grant of the variance would do a substantial justice to

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Date 7/24/19  
By [Signature]

FILED  
[Signature]

testified that there would be an acceptable increase in traffic to the site and that the conversion would not cause undue traffic congestion in the vicinity.

Based upon the evidence offered, I am persuaded to grant the Petition for Special Exception. I do not believe that the conversion of this site will cause detriment to the health, safety and general welfare of the locale, nor create any safety problem. In my judgment, the proposal represents a real opportunity for upgrade of the site. Properly installed and monitored, the gasoline facility should cause no environmental problems. Additionally, the increase in traffic should be modest, and the traffic may well be improved due to the improvements to the access points to the site. Moreover, the landscaping and other cosmetic changes will make the site much more compatible with the residential neighborhood. For all of these reasons, I find that the Petitioner has satisfied the criteria set forth in Section 502.1 of the B.C.Z.R. in that there will be no unique detrimental impact associated with this use at this location. Schultz v. Pritts, 291 Md. 1 (1981).

As to the variances requested, Petitioner seeks relief to permit 20 stacking spaces in lieu of the 24 spaces required, and to grant a waiver of the requirement to provide public restrooms. An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner with respect to the use of his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether a grant of the variance would do a substantial justice to

the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. Particularly, Mr. Schmid testified that the 20 stacking spaces proposed for the site will be sufficient to serve the proposed use and would have no adverse impact on the neighborhood. I believe the 20 stacking spaces proposed would adequately serve the proposed use and have no adverse impact on the surrounding neighborhood. With respect to the request for a waiver from being required to provide public restroom facilities, I find that, based upon the evidence, this request is in the interest of the surrounding community. Public restrooms can pose a problem to the surrounding community, given the fact that individuals might tend to loiter around them or utilize them for illicit purposes.

ORDER RECEIVED FOR FILING  
Date 7/24/67  
BY [Signature]

Therefore, pursuant to the revised site plan and revised schematic landscape plan, the Petitions for Special Exception and Variance shall be approved. Obviously, all improvements shall be in substantial accord with those plans.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24<sup>th</sup> day of July, 1997, that, pursuant to the Petition for Special Exception, approval of a fuel service station in combination with a food store with a sales area larger than 1500 sq. ft., pursuant to Section 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the variance from Section 405.4.A.2.A to permit a canopy setback of 10 ft. in lieu of the 15 ft. required, be and is hereby DISMISSED as moot; and

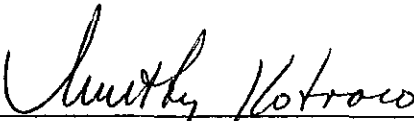
IT IS FURTHER ORDERED that the variance from Section 405.4.A.2.A to permit a fuel pump setback of 20 ft. in lieu of the 25 ft. required, be and is hereby DISMISSED as moot; and

IT IS FURTHER ORDERED that a variance from Section 405.4.B to waive the requirement for restrooms, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 405.4.A.3.C to permit 20 stacking spaces in lieu of the 24 spaces required, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be

responsible for returning, said property to its original condition.

  
TIMOTHY KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TO1DOCS1/BAW01/0047422.01

ORDER RECEIVED FOR FILING  
Date 7/24/07  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

July 24, 1997

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
SE/S Philadelphia Road, 50' E of the c/l of Ridge Road  
(8803 Philadelphia Road)  
15th Election District - 6th Councilmanic District  
Cloverland Farms Dairy, Inc. - Petitioner  
Case No. 97-353-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. John M. Kemp, Vice President, Cloverland Farms Dairy, Inc.  
2200 North Monroe Street, Baltimore, Md. 21217

People's Counsel; Case Files



RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
PETITION FOR VARIANCE  
8803 Philadelphia Road, SE/S Philadelphia \* ZONING COMMISSIONER  
Road, 50' from c/l Ridge Road  
15th Election District, 6th Councilmanic \* OF BALTIMORE COUNTY  
  
Cloverland Farms Dairy, Inc. \* CASE NO. 97-353-XA  
Petitioners  
\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of March, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN



# Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 8803 Philadelphia Road

which is presently zoned BL-AS

**97-353-XA**

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a fuel service station in combination with a food store with a sales area larger than 1500 square feet.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman  
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200

Address

Phone No

Towson

MD

21204

City

State

Zipcode

Legal Owner(s):

Cloverland Farms Dairy, Inc.

(Type or Print Name)

By:

Signature

John Kemp, Vice President

(Type or Print Name)

Signature

2200 North Monroe Street

410-669-2202

Address

Phone No

Baltimore

MD

21217

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman  
Venable, Baetjer and Howard, LLP  
Name

210 Allegheny Ave, Towson, MD 21204

(410) 494-6200

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

JRF

DATE

2/24/97



ORDER RECEIVED FOR FILING

Date

By

353



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8803 Philadelphia Road

which is presently zoned BL-AS

**97-353-XA**

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

**405.4.A.2.A to permit a canopy setback of 10' in lieu of the 15' required and a fuel pump setback of 20' in lieu of the 25' required; a variance of Section 405.4.A.3.C to permit 6 stacking spaces in lieu of the 12 spaces required; and a variance of Section 405.4.B. to waive restrooms.**

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

Cloverland Farms Dairy, Inc.

(Type or Print Name)

By:

Signature

John Kemp, Vice President

(Type or Print Name)

Signature

2200 North Monroe Street

Address

410-669-2202

Phone No.

Baltimore

City

MD

State

21217

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

City

MD

State

21204

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JRF

DATE 2/24/97

353



FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
ENGINEERS

658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to accompany Petitions for  
Zoning Variances & A Special Exception  
Royal Farm Store, #8803 Philadelphia Road  
15th Election District,  
Baltimore County, Maryland.

97-353-XA

January 14, 1997

Beginning for the same at a point on the southeastern side of Philadelphia Road, at the point designated 11 and having the Baltimore County Metropolitan District coordinates of North 15879 30 and East 37245.67, all shown on a Plat entitled "Amended Resubdivision of Lot 1A, Part of Section 1, Plat 1, Rossville Industrial Park", dated December 15, 1983, and recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. No. 50, folio 141, said point of beginning also being at the beginning of the 1st or North 50 degrees 02 minutes 15 seconds East 149.30 feet line of that Second Parcel of Land described in Schedule "A" attached to the Deed dated May 28, 1982 between Northwest Garage & Storage, Inc. and Cloverland Farms Dairy Inc., recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6399 folio 610, running thence leaving said point of beginning, binding on all of said 1st line of said Second Parcel described in Schedule "A" attached to the Deed (6399/610), binding on the southeastern side of said Philadelphia Road and binding on the outline of said Plat

1) North 50 degrees 02 minutes 15 seconds East 149.30 feet to the point designated 12 on said Plat, running thence leaving said Philadelphia Road, binding on the outline of said Plat and binding on all of the 2nd line of said Second Parcel described in Schedule "A" attached to the Deed (6399/610),

2) South 40 degrees 48 minutes 45 seconds East 200.00 feet to the point designated 13 on said Plat, running thence leaving said Plat outline and the end of said 2nd line, running through Lot 300 shown on said Plat,

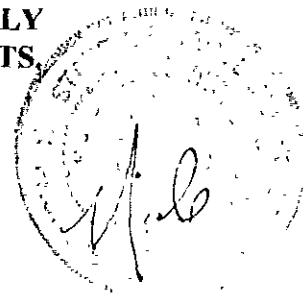
3) South 50 degrees 02 minutes 15 seconds <sup>W/E 11</sup> East 150.75 feet to the point designated 10 on the outline of said Plat at the beginning of the 10th line of said Second Parcel described in Schedule "A" attached to the Deed (6399/610), running thence binding on the outline of said Plat and binding on all of said 10th line,

4) North 40 degrees 23 minutes 45 seconds West 200.00 feet to the point of beginning.

Containing 0.689 Acres of land more or less.

**THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY  
AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS.**

353



BLTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 020604

DATE 2-24-97 ACCOUNT R-001-015-000

AMOUNT \$ 550.00

RECEIVED  
FROM: Venable, Baetjer & Howard LLP  
8803 Philadelphia Rd.  
020 Variance .. 250 ITEM # 553  
FOR: 050 Special Ex - 300 Taken by JRF

U3A9180096ATCHRC 0550.00  
BA 0010-17AM02-24-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

# CERTIFICATE OF POSTING

RE: Case No.: 97-353 XA  
CLOVERLAND FARMS DAIRY, INC.  
Petitioner/Developer: JOHN KEMP, ETAL  
% ROBERT HOFFMAN, ESQ  
Date of Hearing/Closing: 4/2/97

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at #8803 PHILADELPHIA RD.

The sign(s) were posted on 3/15/97  
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 3/18/97  
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

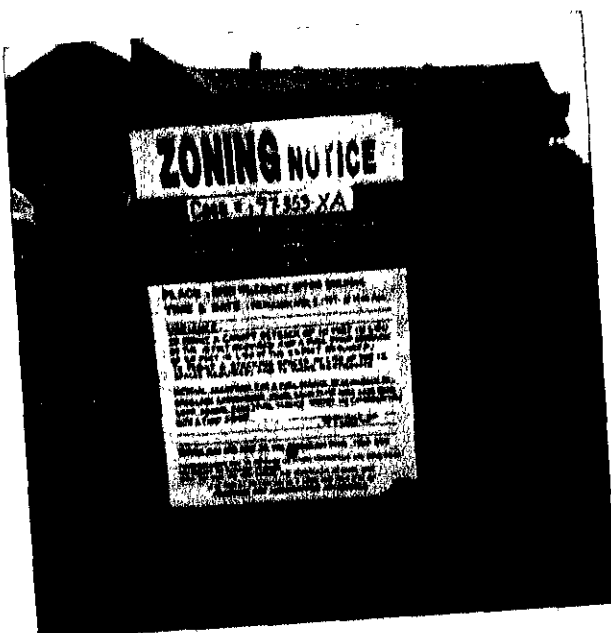
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Pager (410) 646-8354



97-353 XA  
PHILADELPHIA RD.  
3/15/97

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

97-353-XA

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 353

Petitioner: Cloverland Farms Dairy, Inc.

Location: 8803 Philadelphia Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormrod

ADDRESS: ~~210 Allegheny Ave~~  
Towson, Md 21204

PHONE NUMBER: 494-6200

AJ:ggs

(Revised 09/24/96)

MICROFILMS



# Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: \_\_\_\_\_

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_

plat book # \_\_\_\_\_, folio # \_\_\_\_\_, lot # \_\_\_\_\_, section # \_\_\_\_\_

OWNER: \_\_\_\_\_



Vicinity Map  
North  
Scale: 1"=1000'

## LOCATION INFORMATION

Election District: \_\_\_\_\_

Councilmanic District: \_\_\_\_\_

1"=200' scale map# \_\_\_\_\_

Zoning: \_\_\_\_\_

Lot size: \_\_\_\_\_ acreage \_\_\_\_\_ square feet

public private

SEWER: ☐ ☐

WATER: ☐ ☐

yes no

Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: \_\_\_\_\_



North

date: \_\_\_\_\_

prepared by: \_\_\_\_\_

Scale of Drawing: 1"= \_\_\_\_\_

## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: 97-353-XA

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: A FUEL SERVICE STATION IN COMBINATION  
WITH A FOOD STORE WITH A SALES AREA  
LARGER THAN 1500 SQ. FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

**HANDICAPPED ACCESSIBLE**

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_.

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: 97-353-XA

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: To permit a canopy setback of 10' in lieu of the  
15' required and a fuel pump setback of 20' in lieu of the  
25' required; an vari To permit a stacking spaces in  
lieu of the 12 spaces required and To waive restrooms.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUXENT PUBLISHING COMPANY  
March 13, 1997 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord  
Venable, Baetjer and Howard, LLP  
210 Allegheny Avenue  
Towson, MD 21204  
494-6200

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-353-XA  
8803 Philadelphia Road  
SE/S Philadelphia Road, 50' from c/l Ridge Road  
15th Election District - 6th Councilmanic  
Legal Owner(s): Cloverland Farms Dairy, Inc.

Special Exception for a fuel service station in combination with a food store with a sales area larger than 1,5000 square feet.

Varinace to permit a canopy setback of 10 feet in lieu of the 15 feet required and a fuel pump setback of 20 feet in lieu of the 25 feet required; to permit 6 stacking spaces in lieu of the 12 spaces required; and to waive restrooms.

HEARING: WEDNESDAY, APRIL 2, 1997 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MAILED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-353-XA  
8803 Philadelphia Road  
SE/S Philadelphia Road, 50' from c/l Ridge Road  
15th Election District - 6th Councilmanic  
Legal Owner(s): Cloverland Farms Dairy, Inc.

Special Exception for a fuel service station in combination with a food store with a sales area larger than 1,5000 square feet.

Varinace to permit a canopy setback of 10 feet in lieu of the 15 feet required and a fuel pump setback of 20 feet in lieu of the 25 feet required; to permit 6 stacking spaces in lieu of the 12 spaces required; and to waive restrooms.

HEARING: WEDNESDAY, APRIL 2, 1997 at 11:00 a.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon  
Director

cc: Cloverland Farms Dairy, Inc.  
Robert A. Hoffman, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 18, 1997.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 26, 1997

NOTICE OF REASSIGNMENT

Rescheduled from 4/2/97  
CASE NUMBER: 97-353-XA  
8803 Philadelphia Road  
SE/S Philadelphia Road, 50' from c/l Ridge Road  
15th Election District - 6th Councilmanic  
Legal Owner(s): Cloverland Farms Dairy, Inc.

Special Exception for a fuel service station in combination with a food store with a sales area larger than 1,5000 square feet.  
Variance to permit a canopy setback of 10 feet in lieu of the 15 feet required and a fuel pump setback of 20 feet in lieu of the 25 feet required; to permit 6 stacking spaces in lieu of the 12 spaces required; and to waive restrooms.

HEARING: WEDNESDAY, MAY 14, 1997 at 9:00 a.m. 4th floor hearing room  
Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Cloverland Farms Dairy, Inc.  
Robert A. Hoffman, Esq.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 27, 1997

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard, LLP  
210 Allegheny Avenue  
Towson, MD 21204

RE: Item No.: 353  
Case No.: 97-353-XA  
Petitioner: Cloverland Farms Dairy

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 24, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)



Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

March 12, 1997

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW  
Location: DISTRIBUTION MEETING March 10, 1997

Item Nos.: 353, 354, 363 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

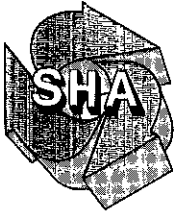
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

March 13, 1997

Ms Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building  
Room 109  
Towson MD 21204

RE: Baltimore County  
Item No. 353 (JRF)  
8803 Philadelphia Road  
MD 7  
Mile Post 3.12

Dear Ms. Eubanks:

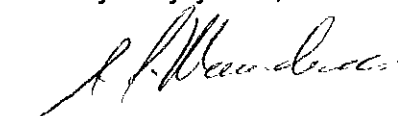
This letter is in response to your request for our review of the referenced item.

Although we have no objection to approval of the special hearing, we will require the following condition of the development.

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

  
Ronald Burns, Chief  
Engineering Access Permits  
Division

LG/eu

cc: Mr. Dave Malkowski  
Mr. Allan Price

My telephone number is 410-545-5600 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:           Arnold Jablon, Director  
              Department of Permits & Development  
              Management

Date:   March 17, 1997

FROM:       Robert W. Bowling, Chief  
              Development Plans Review Division

SUBJECT:   Zoning Advisory Committee Meeting  
              for March 17, 1997  
              Item No. 353

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County. The entrances are subject to the Baltimore County Department of Public Works Standard Plate R-28 Service Station Entrance Channelization.

RWB:HJO:jrb

cc:   File

ZONE317.353

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 3/13/97

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: March 14, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

353

367

356

358

359

360

361

362

363

364

365

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

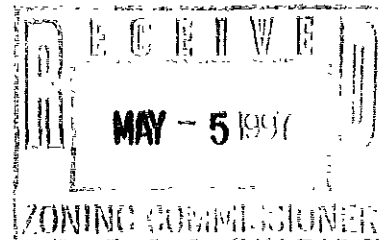
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits  
and Development Management

Date: May 2, 1997

FROM: Arnold F. "Pat" Keller, III, Director  
Office of Planning

SUBJECT: 8803 Philadelphia Road



INFORMATION

Item Number: 353  
Petitioner: Cloverland Farms Dairy, Inc  
Zoning: BL-AS  
Requested Action: Variance and Special Exception

Summary of Recommendations:

Based upon a site visit and meetings with the applicant's attorney, Robert A. Hoffman, this office recommends that the site be designed and redeveloped with the same high quality design standards utilized at that Royal Farms Store site, located at the southwest corner of Joppa Road and Pleasant Plains Road.

Prepared by:

*Jeffrey M. Long*

Division Chief:

*Carol L. Kerns*

AFK/JL

VENABLE, BAETJER AND HOWARD, LLP  
including professional corporations

210 Allegheny Avenue  
Post Office Box 5517  
Towson, Maryland 21285-5517  
(410) 494-6200, Fax (410) 821-0147  
www.venable.com

**VENABLE**  
ATTORNEYS AT LAW

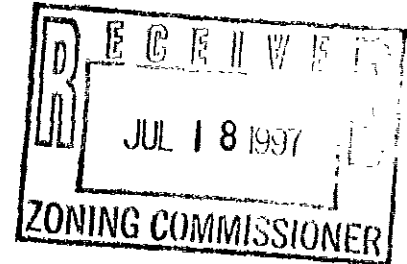
OFFICES IN

MARYLAND  
WASHINGTON, D.C.  
VIRGINIA

Writer's Direct Number:

July 18, 1997

Timothy Kotroco,  
Deputy Zoning Commissioner  
for Baltimore County  
New Courts Building, 4th Floor  
401 Bosley Avenue  
Towson, Maryland 21204



Re: Case No.; 97-353-XA  
Petitioner: Cleveland Farms Dairy (Royal Farm Store)  
Location: 8803 Philadelphia Road

Dear Tim:

Enclosed for your review and consideration is a copy of a proposed Order and two copies of revised Petitioner's Exhibits 1 and 2 with regard to the above captioned matter.

Please give Rob a call if you have any questions.

Sincerely,

Barbara W. Ormord  
Legal Assistant

Enclosure

cc: Robert A. Hoffman, Esquire

TOIDOC51/BAW01/0048257.01

210 Allegheny Avenue  
Post Office Box 5517  
Towson, Maryland 21285-5517  
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND  
WASHINGTON, D.C.  
VIRGINIA

**VENABLE**  
ATTORNEYS AT LAW

Writer's Direct Number:  
410-494-6201

March 14, 1997

**Hand Delivery**

Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management  
County Office Building  
111 W. Chesapeake Avenue  
Towson, MD 21204

Re: Case No.: 97-353-XA  
Petitioner: Cloverland Farms Dairy, Inc.

Dear Mr. Jablon:

I represent Cloverland Farms Dairy, Inc., the petitioner, in the above captioned matter. The hearing in this matter has been scheduled for Wednesday, April 2, 1997 at 11:00 a.m. Unfortunately, I am scheduled to appear before the Zoning Commissioner in another hearing on that same day at 9:00 a.m. which will not allow adequate time to prepare for the 11:00 hearing. Therefore, I respectfully request a postponement of the above referenced hearing to another date, preferably shortly thereafter.

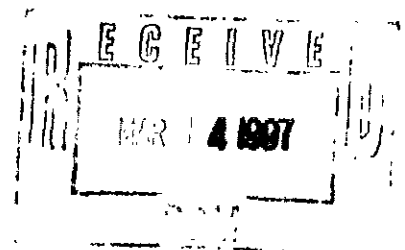
Thank you for your consideration.

Yours truly,

*Robert A. Hoffman*  
Robert A. Hoffman *pro*

cc: Lawrence Schmidt, Zoning Commissioner  
Timothy Kotroco, Deputy Zoning Commissioner  
John M. Kemp, Cloverland Farms Dairy, Inc.  
Dawn Brader, G. W. Stephens & Associates

TO1DOCS1/BAW01/0040633.01



**VENABLE, BAETJER AND HOWARD, LLP**  
*Including professional corporations*

210 Allegheny Avenue  
Post Office Box 5517  
Towson, Maryland 21285-5517

**VENABLE**  
ATTORNEYS AT LAW

Hand Delivery

Gwen Stephens  
Department of Permits  
and Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

PETITIONER(S) SIGN-IN SHEET

**ADDRESS**

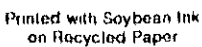
216 Allegheny 21204

658 Kenilworth Ave 21204

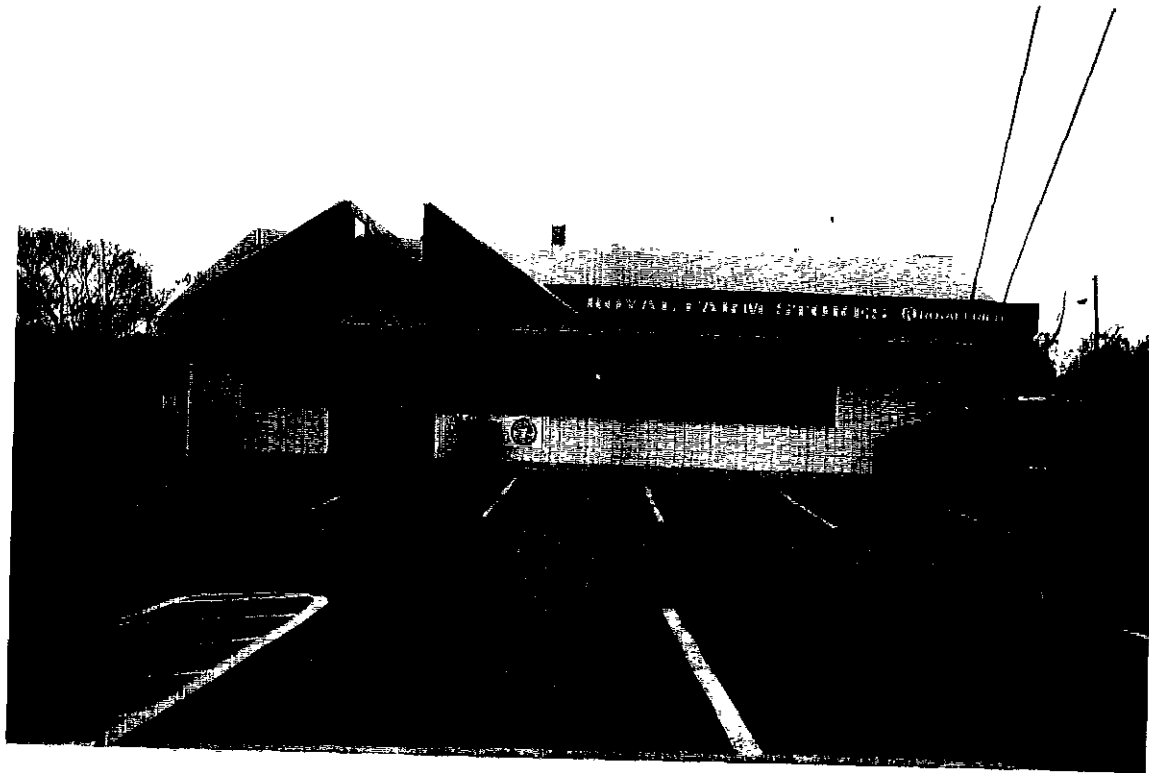
11

8258 Veterans Hwy 21108

200 N Monroe 21217



MICROFILMED



ORIGINAL

97-363-XA

Return,  
p. 3

**Planting Units Required:**

**= 766.08 S.F. Required**  
**770 S.F. Provided**

10,944 S.F. x 0.07

<i>Planting Units Provided</i>	<i>Existing</i>	<i>New</i>
Major Deciduous	@ 1:1	0
Minor Deciduous	@ 2:1	0
Evergreen	@ 2:1	0
Shrub	@ 5:1	0
<b>TOTAL P.U. PROVIDED</b>		<b>175</b>

## KEY

## MAJOR DECIDUOUS TREE

**MINOR  
DECIDUOUS TREES**

**EVERGREEN TREES**

**RESEARCH DESIGN**

**EXISTING STATE  
TO REMAIN**

CHARLES EVERING  
POST 6506  
VETERANS OF  
FOREIGN WARS  
U.S., INC.  
P. 733  
6357/179

EX PARKING  
LOT LIGHT

THE EXISTING SIGN AND PROPOSED REPLACEMENT SIGN ARE EACH DOUBLE-FACED AND ILLUMINATED, EACH FACE OF THE EXISTING SIGN HAS AN AREA OF 73.5 S.F. THIS ONE SIGN HAS 2 FACES TOTALING 147 S.F. EACH FACE OF THE PROPOSED REPLACEMENT SIGN HAS AN AREA OF 54 S.F. INCLUDING PRICING AREAS.\* THIS ONE SIGN HAS 2 FACES TOTALING 108 S.F.

SEE ZONING COMMISSIONER'S  
POLICY MANUAL PAGE 4-89.3

\* NOTE: PRICES ARE FOR  
ILLUSTRATION ONLY

## EXISTING SIGN

SCALE: 1" = 3'

**GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.**

CIVIL ENGINEERS &amp; LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100  
TOWSON, MARYLAND 21204  
(410) 825-8120

0718-678 (414)

**VARIANCES & SPECIAL EXCEPTION REQUESTED**

① Variance to permit a canopy setback of 10' in lieu of the 15' required and a fuel pump setback of 20' in lieu of the 25' required [Section 405.4.A.2.A]

② Variance to permit 8 stacking spaces in lieu of the 12 spaces required [Section 405.A.A.3.C]

3 Variance to waive restrooms [Section 405.4.B]

4 Special exception to permit a fuel service station in combination with a food store

**with a sales area larger than 1500 S.F.**

**OWNER/DEVELOPER**  
**Cloverland Farms Dairy, Inc.**

**2200 North Monroe Street**

**Baltimore, Maryland 21217  
(410) 669 - 2222**

11

## SCHEMATIC LANDSCAPE PLAN

# ROYAL FARM STORE

8803 Philadelphia Road  
Baltimore, Maryland 21237  
Election District 15  
Counchaanic District 6  
Tax Map 90 - p/o Parcel 733  
Store # 35  
January 20, 1997  
Sheet 2 of 2

NY 3258









<b><i>Planting Units Required:</i></b>		
Adjacent Roads	@ 1 P.U. / 40 L.F.	= 3.73 P.U.
	149.3 L.F. / 40	
Landscape Transition Area	@ 1 P.U. / 10 L.F.	= 62.87 P.U.
	628.75 L.F. / 10	
Parking Lots	@ 1 P.U. / 12 L.F.	= 1.75 P.U.
	21 L.F. / 12	
<b>TOTAL P.U. REQUIRED</b>		<b>= 68.35 P.U.</b>
<b>7% Landscaped Area in Parking Lot</b>		<b>= 652.4 S.F.</b>
<b>9320 S.F. ± 0.07</b>		<b>843 S.F.</b>

<i>Planting Units Provided</i>	<i>Existing</i>	<i>New</i>
Major Deciduous @ 1:1	0	13 P.U.
Minor Deciduous @ 2:1	0	8 P.U.
Evergreen @ 2:1	0	12.5 P.U.
Shrub @ 5:1	0	29.8 P.U.
<b>TOTAL P.U. PROVIDED</b>		<b>= 59.3 P.U.</b>

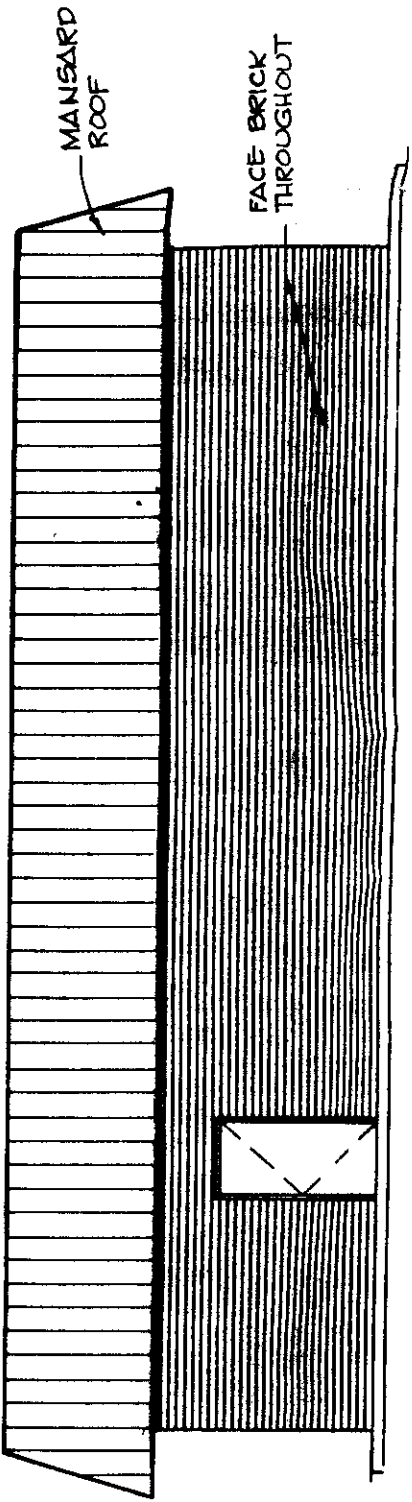
**MAJOR  
DECIDUOUS TREE**

**MINOR  
DECIDUOUS TREE**

**EVERGREEN TREE**

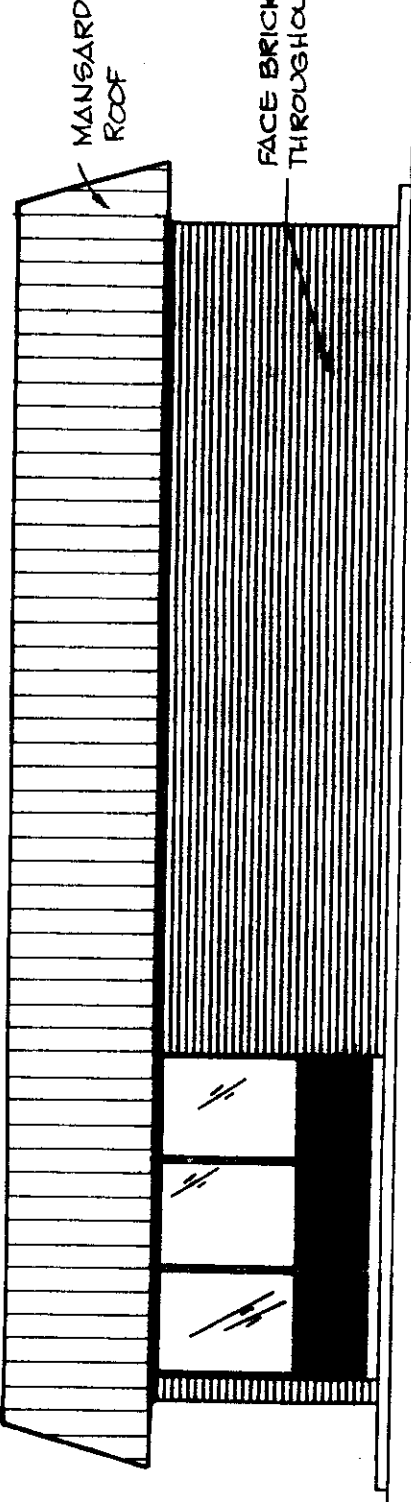
**SHRUBS**

**EXISTING SHRUB  
TO REMAIN**

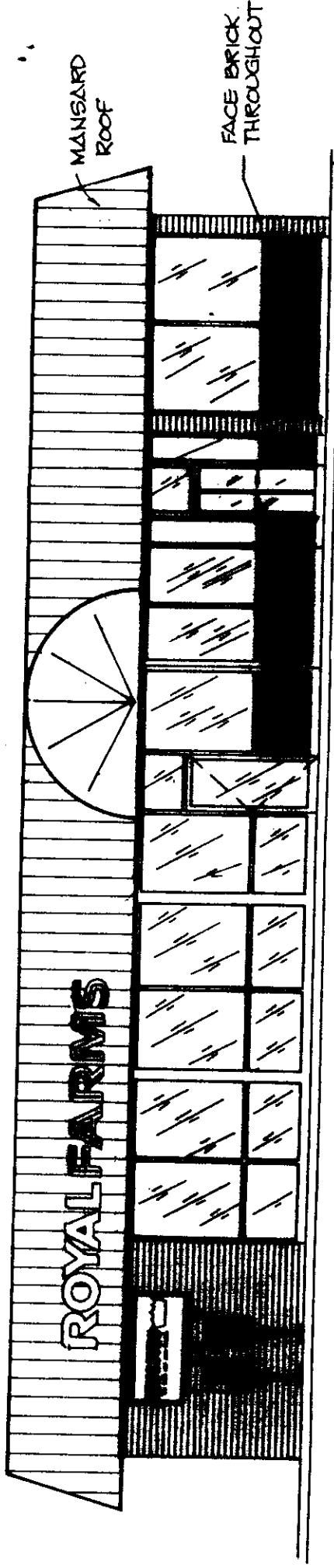


LEFT SIDE ELEVATION

SCALE : 1/8" = 1'-0" ±



RIGHT SIDE ELEVATION



FRONT ELEVATION

SCALE : 1/8" = 1'-0"

**GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.**

[illegible]

**Cloverland Farms Dairy, Inc.**  
2200 North Meade Street  
Baltimore, Maryland 21217  
(410) 669-2222

# FINAL LANDSCAPE PLAN

## ROYAL FARM STORE

**Baltimore, Maryland 21237**  
**Election District 15**  
**Consolidate District 6**  
**Seals : 1<sup>st</sup> - 2<sup>nd</sup>**  
**Store # 35**  
**Box Map 99 - job Period 733**  
**January 28, 1997**  
**Sheet 2. of 2**

0526 NJ